

Case: 6:69-cv-07941-BB

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
10 JUN -7 AM 9:32
CLERK-SANTA FE

STATE OF NEW MEXICO, on the relation of)

The State Engineer,)

Plaintiff,)

v.)

ROMAN ARAGON, et al.,)

Defendants.)

No. 69cv 07941-BB

Rio Chama Stream
System

Section I (mainstream)

**PRO SE PERSONS / SUCCESSORS-IN-INTEREST OF THE ACEQUIA DE CHAMITA REPLY
TO THE PLAINTIFF STATE OF NEW MEXICO, EX REL. STATE ENGINEER'S MOTION TO
REQUIRE SHOWING BY SANDIE HOLGUIN, THOMAS MARTINEZ AND JOE BRANCH
THAT THEY HAVE AN INTEREST IN LANDS IRRIGATED BY ACEQUIA DE CHAMITA
AND THAT THEY ARE SUCCESSORS-IN-INTEREST TO PERSONS THAT TIMELY FILED
OBJECTIONS TO NOTICES AND ORDERS TO SHOW CAUSE (DOC. 9767, FILED
05/27/2010).**

The *pro se* / successor-in-interest defendant(s) to be in compliance with the State's motion, Document 9767, Filed 05/27/2010, come now to respond to said Motion:

1. Because the *pro se* parties didn't understand proper procedural conduct they did not reply to the State's motion (Doc. 9606, Filed 02/25/2010) in a timely manner; and thus the Court responded, "No parties filed a timely response opposing the State's motion to limit consideration of objections" (Doc. 9720, Filed 05/21/2010 at 2). The Courts resulting motion was to grant the State's motion to limit consideration of objections to the Special Master's Report to those filed by persons that timely objected to Notices and Orders to Show Cause (*ibid.*).

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2. While still unsure of this kind of procedural conduct, but in hopes of preventing a similar response in judgment by the Honorable Court, the Defendant parties wish to submit a reply to the State's motion. (Doc. 9767, Filed 05/27/2010).
3. Comes now *pro se* party/ successor-in-interest Thomas Martinez (Doc. 9608, 9682, 9717), to show by deed or otherwise that I have an interest in lands irrigated by the Acequia de Chamita and that I am in fact a successor-in-interest to persons that timely filed objections to the Notices and Orders to Show Cause issued by the Court in 1994-95 (ibid. at 3). I am a successor-in-interest to Defendant Kenneth C. Marthey, Subfile No. 258, Doc. No. 3974.16, (Document 9720 Filed 05/21/2010 at 5). Documents of interest follow:

NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

1. OWNER OF RECORD

Name: Kenneth Marthey Work Phone: _____
Contact: _____ Home Phone: _____
Address: 5509 Pablanas Ct.
City: Albuquerque, NM 87107 State: _____ Zip: _____

NEW OWNER

Name: Thomas D. Martinez Work Phone: 916-801-9319
Contact: _____ Home Phone: 408-245-1759
Address: 1064 West Iowa Ave.
City: Sunnyvale, CA 94086 State: CA Zip: 94086

2. AMOUNT CONVEYED

State Engineer File Number: SD-01835-29
Subfile Number: 255, 259, 258, 274 of Cause Number 7941, 8294
Owner of record has conveyed part of said right.
(all or part)

Consumptive Use: _____ acre-feet per annum
Diversion Amount: 2.28 acre-feet per annum 3.0 for 0.76 acres
Other: _____ (units)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: ☒ Municipal: _____ Industrial: _____
Commercial: _____ Other (specify): _____
Specific use: _____

4. PLACE OF USE

0.76 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey) Section (Map No.) Township (Tract No.) Range Acres Priority
Acequia de Chamita 22 2 258 1724
1959 Rio Chama 22 3 274 1724
Hydrographic Survey 22 4 255, 259 1724
Section 1 _____ _____ _____ _____
Rio Arriba County _____ _____ _____ _____

Tract A-2 on
Replat for Kenneth Marthey
1995 by Noonan

Do Not Write Below This Line

File Number: _____ Trn Number: _____

Form: wr-02i (Individual) - page 1 of 2

COPY

File Number: _____

(For OSE Use Only)

NEW MEXICO OFFICE OF THE STATE ENGINEER CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right:
(To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(Signature) _____

(Signature) _____

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

ACKNOWLEDGEMENT

(I, We) Thomas D. Martinez affirm that the
(Please Print)
foregoing statements are true to the best of (my, our) knowledge and belief.

Thomas D. Martinez
Applicant Signature

Applicant Signature

State of California,
County of Santa Clara

NOTARY

This instrument was acknowledged before me this 24th day of August

A.D., 2006, By Thomas D. Martinez;
Name of Applicant(s)

Name of Applicant(s)

My commission expires 8/29/09
(K)

Kyle
Notary Public

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pamph.), as amended. The acceptance by the Office of the State Engineer does not constitute validation of the right conveyed.

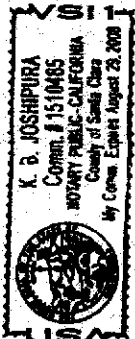
Do Not Write Below This Line

File Number: _____

Form: wr-02i

page 2 of 2

Trn Number: _____



6/5/2010

Acequia de Chamita

P O Box 930
San Juan Pueblo,
New Mexico 87566
Est. August 11, 1598

I hereby answer the Plaintiffs Motion to show cause and verify that the following parciente, having objected to the Special Masters recommendation of 1600 for the Acequia de Chamita (Don Juan de Onate's Acequia), Thomas Martinez is a member in good standing since he acquired the land with appurtenant water rights on the Acequia de Chamita, having acquired the land with the water rights from Kenneth C. Marthey, who is identified as a person who filed a timely objection (doc.3974.16 sub file 258), filed December 7, 1994. The water rights were transferred on August 24, 2006 with the New Mexico State Engineer Office. A simple phone inquiry to S. M. Wells in the State Engineers Office by the Plaintiff would have verified this information instead of making motions to the court requiring defendants to show cause.

On page 1 of 2, New Mexico Office of the State Engineer, change of ownership of water right (individual), there is a major error, on #4. Place of Use, assigning a 1724 Priority Date.

Thomas Martinez Map 22, Tract 2,3,4 Sub file 255, 258,259,274
4160 Duquesne Ave, #4
Culver City, California 90232

Acequia de Chamita Commissioner
Treasurer David Ortiz



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“...to show by deed or OTHERWISE” (Doc. 9767, Filed 05/27/2010 at 3).

1. The Acequia de Chamita is a pre-treaty of Guadalupe Hidalgo (1848) Acequia with an establishment date of August 11, 1598, so stated in its By-laws (Doc. 9717, Filed 05/14/2010, Exhibit I at 405).
2. The Acequia de Chamita is also a political sub-division of The State of New Mexico with recognized sovereignty for Government to Government egalitarian relational status.
3. Because of the Acequia's unique background and history, the successor-in interest has expansive implications far beyond 21st Century land/water succession. There are persons on the Acequia de Chamita who draw water that have Heritage Successor-In-Interest to Onate's original settlement at San Gabriel, its Pobladores, and its Acequia.
4. Comes now Parciente Thomas Martinez in testament with genealogical evidence.

Thomas David Martinez (Doc. Nos. 9608, 9682, 9717)

Genealogical Evidence

Thomas David Martinez - 6/22/1950, San Jose, Calif.

Thomas Harry Martinez - Born Nov 21, 1926 in Mancos, CO married to Angie Jaquez Sept 12, 1949 in Las Vegas, NV

Juan Santiago Martinez - Born Mar 13, 1903 in Bayfield, CO married to Maria Manuela de Atocha Archuleta Aug 24, 1924 in Durango, CO

Dimas Eustacio Martinez - Born Mar 29, 1880 in Carnero, Del Norte, CO married to Maria Pacifica Romero ca 1901 Ignacio, CO

Juan Camillo Martin - Born Aug 19, 1835 in El Llano de San Juan, Picuris, NM married to Maria Ricarda Medina ca 1859 in Peñasco, NM

Juan Ygnacio Martin - Born on Feb 17, 1798 in El Llano de San Juan, Picuris, NM married to Maria de Jesus Martin ca 1827 in El Llano, Picuris

Juan Jose Martin - Born Jan 6, 1772 in Santa Fe, NM married to Maria Antonia Senteno Feb 11, 1793 Las Trampas, Picuris, NM

Eusebio Antonio Martin - Born Sep 7, 1729 married to Maria Antonia Armijo Feb 7, 1759 Picuris Parish, NM

Antonio Martin Serrano - Born ca 1705 San Juan Parish, NM married to Catarina Villalpando Aug 26, 1728, Embudo, San Juan Parish

Francisco (El Ciego) Martin Serrano - Born Oct 7, 1680 Guadalupe del Paso married to Casilda Contreras ca 1700 New Mexico

Pedro Martin Serrano de Salazar - Born ca 1635 in San Juan Parish, NM married to Juana Aplonia de Arguello ca 1657 in NM

Luis Martin Serrano - Born ca 1592 in Zacatecas, New Spain married to Catalina de Salazar ca 1629 in New Mexico

* Sargento Hernan Martin Serrano - Born ca 1558 in Zacatecas, New Spain married to Juana Rodriguez ca 1579 in Zacatecas.

* (Sargento Serrano is one of the first settlers that came with Onate in 1598, (see Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, New Mexico, 1953, Pages 237 and 291).

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Respectfully submitted for defendant Thomas Martinez

(Doc. 9608, 9682, 9717),

By Ron W. Rundstrom (Current *Pro Se* (Doc. 9657, 9592, 9717); Past *Pro Se* (Subfile No. 274, Doc. 3974.19) and

Eloy J. Garcia, Mayordomo (Current *Pro Se* (Doc. 9657, 9590, 9717); Past *Pro Se* (Subfile. 285, Doc. 3974.15).



(Signature of Defendant)

by Ron W. Rundstrom, Date: 7 JUNE 2010

RON W. RUNDSTRÖM

(Printed name of Defendant)

P.O. Box 1791

(Street address or P.O. Box)

ESPAÑOLA, NEW MEXICO 87532

(City, State and Zip Code)

Respectfully submitted for defendant Thomas Martinez,



(Signature of Defendant)

by Eloy J. Garcia, Date: 7 June 2010

ELOY J. GARCIA

(Printed name of Defendant)

P.O. Box 1024

(Street address or P.O. Box)

SAN JUAN NM 87566

(City, State and Zip Code)